

**57-16-16 Mobile home park residents' associations.**

(1) As used in this section:

- (a) "Park operator" means an owner, operator, or manager of a mobile home park, including an employee, agent, or independent contractor of the owner, operator, or manager.
- (b) "Primary resident association" means, for a mobile home park with more than one resident association, the resident association that has more members than any other resident association within the mobile home park.
- (c) "Resident association" means an organization of mobile home park residents organized to address their common interests and concerns related to the mobile home park.
- (d) "Resident entity" means a noncommercial entity that:
  - (i) advocates for residents of the mobile home park; or
  - (ii) addresses issues relating to mobile home parks that affect or are of concern to residents of the mobile home park.

(2)

- (a) Residents in a mobile home park may:
  - (i) form a resident association; and
  - (ii) participate in a regional, state, or national resident association or advocacy group.
- (b) A resident association may limit membership in a resident association to owners of manufactured homes within a mobile home park if the purpose of the resident association is to purchase some or all of the mobile home park.
- (c)
  - (i) There may be more than one resident association for a mobile home park.
  - (ii) A park operator is not required to acknowledge any resident association other than the primary resident association.

(3) At a meeting at which a majority of members are present, resident association members may:

- (a) elect officers of the resident association; and
- (b) adopt bylaws of the resident association.

(4)

- (a) Except in an emergency, a resident association shall provide seven days' notice of a resident association meeting to all residents of the mobile home park.
- (b) A resident of a mobile home park may attend a meeting of a resident association, whether or not the resident is a member of the resident association.

(5)

- (a) An officer or member of a resident association may not be held personally responsible or liable for an act or omission of the resident association or of another officer or member of the resident association.
- (b) Subsection (5)(a) may not be construed to limit the liability of an individual who is an officer or member of a resident association for the individual's act or omission.

(6) A park operator may not:

- (a) be a member of a resident association;
- (b) attend a meeting of the resident association unless given a written invitation to the meeting by an officer of the resident association;
- (c) unlawfully interfere with the resident association's operation;
- (d) interfere with a resident's right to contact a state or local health department, a municipality, or other group to complain about the health and safety conditions of the mobile home park; or
- (e) harass or threaten a resident association.

(7) A resident association may not:

- (a) impose fees, dues, or assessments, upon its members unless a majority of the members agree to the imposition of fees, dues, or assessments; or
  - (b) harass or threaten a park operator.
- (8) A park operator shall permit meetings by a resident association located within the park relating to manufactured home living or social or educational purposes, including forums for or speeches by public officials or candidates for public office.
- (9) Except for reasonable time, place, and manner limitations, a park operator may not prohibit or adopt a rule prohibiting a mobile home park resident or a resident entity from exercising within the mobile home park the right of free expression for noncommercial purposes, including peacefully organizing, assembling, canvassing, petitioning, leafleting, or distributing written, noncommercial material within the mobile home park.
- (10)
- (a) A resident association may schedule with the park operator the use of the mobile home park's common facilities, if any, free of charge.
  - (b) A resident association is responsible for any damage to the mobile home park's common facilities caused by a member of the resident association or a guest or invitee while the resident association uses a common facility.
  - (c) A park operator may reasonably limit the frequency of a resident association's use of a common facility if the limitation allows use at least once per week.
  - (d) A park operator may not:
    - (i) charge a resident or resident association a security deposit to use a common facility of the mobile home park that exceeds the amount normally and uniformly charged as a security deposit for use of the common facility; or
    - (ii) except as provided in Subsection (10)(e), require a resident or resident association to obtain liability insurance in order to use a common facility.
  - (e) A park operator may require liability insurance if:
    - (i) the rules of the mobile home park permit the consumption of alcoholic beverages in a common facility; and
    - (ii) alcoholic beverages are to be served at a meeting or private function of the resident association in the common facility.
- (11)
- (a) A park operator may not alter or refuse to renew an existing rental agreement, change a rule of the mobile home park, enforce a mobile home park rule in an unreasonable or nonuniform way, bring or threaten to bring an eviction action or other civil action, or take any other action in retaliation based primarily on a resident:
    - (i) expressing an intention to complain or having complained to a governmental agency about a matter relating to the mobile home park;
    - (ii) making a complaint in good faith to the park operator;
    - (iii) filing or expressing an intention to file a lawsuit or administrative action against the park operator; or
    - (iv) testifying in a judicial or administrative proceeding or before a public body.
  - (b) Subsection (11)(a) does not limit a defense available under the law to a resident in an eviction action.
- (12) This section may not be construed to prohibit a park operator from:
- (a) evicting a tenant as provided in other provisions of this chapter; or
  - (b) exercising other rights the park operator has under applicable law.

Amended by Chapter 15, 2010 General Session

